

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SCOTT HENLEY,

Petitioner,

v.

JAY CASSADY,

Respondent.

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No. 4:15CV892 RLW

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Appointment of Counsel (ECF No. 5). Upon review of the motion and the pleadings in this case, the Court will deny the motion.

On June 5, 2015, Petitioner filed a Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus in federal court. He filed a motion for appointment of counsel on June 17, 2015, asserting that he is unable to pay attorney's fees, obtain legal counsel, or litigate his habeas case *pro se*.


"[T]here is neither a constitutional nor statutory right to counsel in habeas proceedings . . ." *McCall v. Benson*, 114 F.3d 754, 756 (8th Cir. 1997). In order to determine whether appointment of counsel is appropriate, the court must consider "the factual and legal complexity of the case, and the petitioner's ability both to investigate and to articulate his claims without court appointed counsel." *Id.* (citations omitted). In the instant case, while Petitioner raises six grounds for habeas relief, they do not appear to be factually or legally complex. Further, review of the Petition demonstrates that Petitioner thus far is able to articulate his claims in a clear,

concise manner. Because Petitioner has demonstrated the ability to adequately present his claims without an attorney, his motion for appointment of counsel will be denied at this time.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion to Appoint Counsel (ECF No. 5) is **DENIED** without prejudice.

Dated this 20th day of October, 2015.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE